

N^o. 404.

Motion Papers for P. E.
In the Supreme Court of the United States.

Filed Feb. 21, 1898.

THE UNITED STATES *ex Rel.*

ALFRED L. BERNARDIN, .

Plaintiff in Error,

vs.

BENJAMIN BUTTERWORTH,

Commissioner of Patents.

October Term, 1897.

No. 404.

And now comes Alfred L. Bernardin, by Julian C. Dowell, his attorney, and, stating to the Court that Benjamin Butterworth, the defendant in error in the above-entitled action, deceased on the 16th day of January, 1898, whereby the office of Commissioner of Patents became vacant, and that, since that time, Charles H. Duell has been duly nominated, confirmed and commissioned to the office of Commissioner of Patents and has taken the oath and assumed, and is now exercising, the duties of said office of Commissioner of Patents, asks leave of the Court :

To substitute the name of Charles H. Duell upon the record in the above-entitled case in the stead and place of that of Benjamin Butterworth, in order that the said case may proceed to hearing and judgment as if the said Charles H. Duell had been originally the party defendant thereto ;

And moves that the Court make any order or orders necessary to carry into effect the purposes of this motion.

JULIAN C. DOWELL,

Attorney for Alfred L. Bernardin.

I consent that the foregoing substitution be made.

C. H. DUELL,

Commissioner of Patents.

February 19, 1898.